WP(C) 5672/2006
BEFORE
HON'BLE JUSTICE B.K. SHARMA

Heard Mr. P.J. Saikia, leraned Counsel for the petitioner and Mr. A.K. Goswami, learned Sr. counsel and S.C., KAAC assisted by Mr. S. Banik, learned co unsel.

The challenge made in the writ petition is in respect of the Annexure-C order of settlement dated 20.10.06 settling the stone quarry called Rangsali Sto ne Quarry with the respondent No. 5. There is no dispute that the petitioner is the highest bidder with bid value of Rs. 2,96,000/- than that of the respondent No. 5 at Rs. 2,55,000/-. In Annexure-B comparative statement dated 27.09.06 forw arded to the Secretary I.C. Forest, Karbi Anlong, Diphu by the Conservator of Fo rests, Karbi Anglong, Diphu, it was clearly stated that the petitioner being the highest bidder should be settled with the stone quarry. In the remarks column t he tender submitted by both the petitioner and the respondent No. 5 were stated to be regular, while the tender submitted by another one was irregular. Thus, bo th the tenders being regular, in the normal circumstances, the petitioner being the highest bidder, the stone quarry ought to have been settled with him. There is enough indication for settlement in Annexure-B communication dated 27.09.06 by which the Conservator of Forests, Karbi Anglong, Diphu forwarded the comparat ive statement to the Secretary in-charge, Forest, KAAC, Diphu.

In spite of the aforesaid position, strangely enough the Secretary in-charge, KAAC by his impugned order Annexure-C communication dated 20.10.06 conve yed the decision of settlement of the stone quarry with the respondent No. 5 at the bid value offered by the petitioner. No reason has been assigned as to why the bid of the petitioner cannot be accepted.

In view of the above, I am of the considered opinion that the decision a s conveyed by Annexure-C communication dated 20.10.06 is not sustainable. Conse quently, the petition is allowed by setting aside and quashing the said order. A direction is issued to settle the stone quarry with the petitioner at his high est bid value of Rs. 2,96,000/-. Necessary order in this regard shall be passed without any further delay. Considering the fact that the is going to expire on 3 1.03.08 and that the stone quarry could not be operated due to ongoing litiga tion.

With the above direction, the writ petition is allowed.